

Appl. No. 10/629,086
Amdt. dated Jun. 30, 2005
Reply to Office action of Mar. 30, 2005

REMARKS

This amendment is submitted with a Request for Continued Examination in response to the Final Office Action dated March 30, 2005.

Claims 1, 15 and 29 have been amended and new claims 31-38 have been added. Claims 1-38 are pending in the present application. Claims 1-4, 7-10, 12-17, 22-24 and 26-30 were rejected in the Office Action dated March 30, 2005. In reply, Applicants submit a Request for Continued Examination, the requisite fee, an amendment, and the present remarks. No new matter has been added by the amendment.

Applicants gratefully acknowledge the Examiner's indication that claims 5, 6, 11, 18-21 and 23-25 contain allowable subject matter.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1-3 and 12-17, 26, 27, 29 and 30

Claims 1-3 and 12-17, 26, 27, 29 and 30 were rejected under 35 U.S.C. §102(e) as being anticipated by Yajima et al., U.S. Patent Application Publication 2002/0041268 (hereinafter "Yajima").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is submitted that Yajima fails to teach each and every element as set forth in the claims 1, 15 and 29 for at least the reasons described below.

Applicants have amended claims 1, 15 and 29 to recite, *inter alia*, an electromagnetic-wave shielding member formed on a light-distribution changing member.

Yajima merely discloses an electromagnetic shield sheet 51 "disposed on the side of the diffusing sheet 50" (see paragraph [0179], lines 5 and 6 and Figure 13). In other words, the electromagnetic shield sheet 51 of Yajima is a separate sheet from the diffusing sheet 50. However, in the present invention, the electromagnetic-wave shielding member is integral to the light-distribution changing member since it is formed on the light-distribution changing member. Thus, Yajima fails to teach the electromagnetic-wave shielding member formed on the light-distribution changing member as claimed in amended claims 1, 15 and 29.

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Accordingly, claims 1, 15 and 29 are believed to be patentably distinct and nonobvious in view of Yajima. Claims 2, 3, 12-14, 16, 17, 26, 27 and 30 depend either directly or indirectly from corresponding independent claims 1, 15 and 29, and thus include all the limitations of their corresponding independent claims. Thus, claims 2, 3, 12-14, 16, 17, 26, 27 and 30 are believed to be allowable for at least the reasons given for claims 1, 15 and 29, which are believed to be allowable.

Claims 1, 15 and 29

Claims 1, 15 and 29 were also rejected under 35 U.S.C. §102(b) as being anticipated by Suzuki, U.S. Patent No. 5,333,073.

As stated above, Applicants have amended claim 1, 15 and 29 to recite, *inter alia*, the electromagnetic-wave shielding member formed on the light-distribution changing member.

To the contrary, Figure 1 of Suzuki discloses a light diffusion plate 2 disposed separate from an electromagnetic shielding member 5. Thus, Suzuki fails to disclose an electromagnetic-wave shielding member formed on the light-distribution changing member as claimed in amended claims 1, 15 and 29. Accordingly, claims 1, 15 and 29 are believed to be patentably distinct and nonobvious in view of Suzuki.

Accordingly, Applicants respectfully request that the Examiner reconsider the rejections of claims 1, 15 and 29 under 35 U.S.C. §102(b).

Claim Rejections Under 35 U.S.C. §103(a)

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

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Claims 4 and 7

Claims 4 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yajima in view of Okada et al., U.S. Patent Application Publication 2002/0153149 (hereinafter "Okada").

As mentioned above, Yajima fails to teach the electromagnetic-wave shielding member formed on the light-distribution changing member as recited in amended claim 1. Okada is directed to a transparent member for shielding electromagnetic waves. Figures 1, 3 and 6 of Okada disclose a transparent substrate (element 1) or sheet (elements 24 and 31) having a conductive reticular pattern formed thereon (see paragraph [0017], lines 1-4). There is no disclosure in Okada of an electromagnetic-wave shielding member formed on a light-distribution changing member, as claimed in amended claim 1. In fact, Okada fails to disclose any light-distribution changing member.

Since both Yajima and Okada fail to teach the electromagnetic-wave shielding member formed on the light-distribution changing member as recited in amended claim 1, the cited references do not render claim 1 obvious. Claims 4 and 7 depend indirectly from claim 1, and thus include all the limitations of claim 1. The dependent claims 4 and 7 are patentable for at least the same reasons as given above for the independent claim 1.

Accordingly, Applicants respectfully request the Examiner's reconsideration of the rejections of claims 4 and 7.

Claims 8 and 9

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yajima in view of Takahashi et al., U.S. Patent Application Publication 2004/0074655 (hereinafter "Takahashi").

As mentioned above, Yajima fails to teach the electromagnetic-wave shielding member formed on the light-distribution changing member as recited in amended claim 1. Takahashi is directed to an electromagnetic shield film 1 comprising a transparent base 2 having a mesh geometric pattern formed thereon (see Figure 1 and paragraph [0068], for example). Takahashi fails to disclose that the electromagnetic shield film 1 is formed on a light-distribution changing member

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as recited in amended claim 1. Thus the cited references do not render claim 1 obvious. Claims 8 and 9 depend indirectly from claim 1, and thus include all the limitations of claim 1. The dependent claims 8 and 9 are patentable for at least the same reasons as given above for the independent claim 1.

Accordingly, Applicants respectfully request the Examiner's reconsideration of the rejections of claims 8 and 9.

Claims 10, 22 and 28

Claims 10, 22 and 28 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Yajima.

As mentioned above, Yajima fails to teach an electromagnetic-wave shielding member formed on the light-distribution changing member as recited in amended claim 1 and claim 15. Claim 10 depends indirectly from claim 1, and thus includes all the limitations of claim 1. Claims 22 and 28 depend indirectly from claim 15, and thus include all the limitations of claim 15. The dependent claims 10, 22 and 28 are patentable for at least the same reasons as given above for the independent claims 1 and 15.

Thus, for the reasons stated above, Applicants respectfully request that the Examiner withdraw the rejections of claims 10, 22 and 28

Newly Added Claims

Applicants have added new claims 31-38 to more particularly define aspects of the present invention. The new claims include no new matter and are fully supported by the specification and the drawings of the present application.

Accordingly, it is believed that the new claims are in condition for allowance.

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Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Chad L. Thorson
Reg. No. 55,675
Confirmation No. 5970
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone: (860) 286-2929
Facsimile: (860) 286-0115

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